

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

KENT GRAHAM and  
COLETTE SAVAGE,

Plaintiffs,

v.

MARK SAVAGE, et al.,

Defendants.

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1:21-cv-151-RP

**ORDER**

Before the Court is the report and recommendation of United States Magistrate Judge Susan Hightower concerning Judge Lee Harris’s First Amended Motion to Dismiss, (Dkt. 26); Chief Justice Thomas Gray’s First Amended Motion to Dismiss, (Dkt. 27); Defendant Michael McDonald’s Motion to Dismiss, (Dkt. 29); Defendant Rex Davis’s First Amended Motion to Dismiss, (Dkt. 33); Defendant Mark Savage’s First Amended Motion to Dismiss, (Dkt. 39); Defendant Mark Savage’s Motion to Have Plaintiff Colette Savage Declared a Vexatious Litigant, (Dkt. 41); Defendants Michael McDonald, Rex Davis, and Mark Savage’s Motions for Judicial Notice, (Dkts. 30, 34 & 40); the Judicial Defendants’ Motion to Stay Scheduling Conference and Discovery, (Dkt. 46); Plaintiffs Kent Graham and Colette Savage’s (“Plaintiffs”) Motion to Declare Defendants as True Vexatious Litigants, (Dkt. 63); Plaintiffs’ Motions for Extension of Time to File Response/Reply Briefs, (Dkts. 53 & 66); Plaintiffs’ Motion to Amend Complaint, (Dkt. 71); and Plaintiffs’ Motion to Offer Proof, (Dkt. 74). (R. & R., Dkt. 75).

In her report and recommendation, Judge Hightower recommends that the Court grant Defendants Judge Lee Harris’s First Amended Motion to Dismiss, (Dkt. 26), Chief Justice Thomas Gray’s First Amended Motion to Dismiss, (Dkt. 27), Defendant Michael McDonald’s Motion to Dismiss, (Dkt. 29), Defendant Rex Davis’s First Amended Motion to Dismiss, (Dkt. 33), and

Defendant Mark Savage's First Amended Motion to Dismiss, (Dkt. 39), and dismiss this case with prejudice for lack of subject matter jurisdiction. Judge Hightower also recommends that this Court issue a pre-filing injunction declaring that Colette Savage may not file any future actions in the Western District of Texas challenging the Texas Note, the Deed of Trust, the foreclosure of her property, or any Texas State Court rulings on those matters, without receiving written leave from a federal district judge for this district. (R. & R., Dkt. 75, at 12).

Several parties filed objections. Defendant Mark Savage timely filed objections to the report and recommendation, requesting that the pre-filing injunction be global and applicable in all state and federal courts, not just the Western District of Texas. (Objs., Dkt. 81). Plaintiffs Kent Graham and Colette Savage timely filed objections to the report and recommendation. (Objs., Dkt. 82). Defendant Michael McDonald timely filed objections to the report and recommendation, joining Mark Savage's objections. (Objs., Dkt. 83). Plaintiffs also filed many other documents that seem to be responses, notices, and/or motions. (*See, e.g.*, Dkts. 84-96). To the extent any of those filings are timely and properly before this Court, the Court considers them in conjunction with the report and recommendation.

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiffs and Defendants Mark Savage and Michael McDonald timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so, the Court overrules the parties' objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Susan Hightower, (Dkt. 75), is **ADOPTED**.

**IT IS FURTHER ORDERED** that Defendants Judge Lee Harris's First Amended Motion to Dismiss, (Dkt. 26), Chief Justice Thomas Gray's First Amended Motion to Dismiss, (Dkt. 27), Defendant Michael McDonald's Motion to Dismiss, (Dkt. 29), Defendant Rex Davis's First Amended Motion to Dismiss, (Dkt. 33), and Defendant Mark Savage's First Amended Motion to Dismiss, (Dkt. 39), are **GRANTED**.

**IT IS FURTHER ORDERED** that this case is **DISMISSED WITH PREJUDICE** for lack of subject matter jurisdiction.

**IT IS FINALLY ORDERED** that Colette Savage is **ENJOINED** from filing any future actions in the Western District of Texas challenging the Texas Note, the Deed of Trust, the foreclosure of her property, or any Texas State Court rulings on those matters, without receiving written leave from a federal district judge for this district.

**SIGNED** on January 20, 2022.

A handwritten signature in blue ink, appearing to read 'Rob Pitman', written over a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE